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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional): 33012/330/101

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on 6/30/06

Signature

Typed or printed name: Carolyn I. Erickson

Application Number	Filed
10/027,338	12/21/2001

First Named Inventor:

Art Unit	Examiner
2165	Y. Wu

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- [ ] applicant/inventor.
- [ ] assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- [x] attorney or agent of record. Registration number 25,645
- [ ] attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____

Signature

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Typed or printed name

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Telephone number

June 30, 2006
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

- [x] *Total of 4 forms are submitted.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Thomas N. Turba

Serial No. : 10/027,338 Examiner: Y. Wu

Filed : December 21, 2001 Group Art Unit: 2165

For : CONVERTER FOR XML DOCUMENT TYPE DEFINITION TO INTERNAL XML ELEMENT MAPPING TREE

Docket No. : 33012/330/101

REASONS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE UNDER 37 C.F.R. 1.8
I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an enveloped addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 30th day of June, 2006

By: Carolyn I. Erickson

Sir:

Claims 1-25 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,810,429, issued to Walsh et al (hereinafter referred to as "Walsh"). This ground of rejection is respectfully traversed for the failure of the rejection to comply with MPEP 2131.

The most basic differences between Applicants' claimed invention and Walsh are readily apparent. Common to all pending claims, is a user terminal which generates an XML document which is transferred over the claimed network and converted into an incompatible, non-XML format for use by the claimed data base management system.

The system of Walsh is easily distinguishable as shown in Fig. 1b. The user 103, utilizing web browser 124, generates a non-XML message (i.e., HTML 121 or HTTP 122) for transfer to the to front-end interface 120, which converts the user generated message into XML. Subsequent transfers and handling within integration system 100 occur as XML documents (i.e., elements 102 and 106), except for transfers back to user 103 which are converted from XML to HTML or HTTP.

In short, the claimed user terminal communicates in XML which needs conversion for communication with other system elements. The user interface of Walsh is not in XML, so that all outputs of web browser 124 are converted into XML and all transfers to web browser 124 are converted from XML. As a result, a number of the claimed structural elements utilized in the conversion process may be compared with corresponding structures within Walsh. However, the claimed invention converts **from XML** for transfers from the user terminal, and Walsh converts **to XML** for transfers from the user. Similarly, the claimed invention converts **to XML** for transfers to the user terminal, and Walsh converts **from XML** for transfers to the user.

This distinction was explained to the Examiner in a previous response. In response thereto, the Examiner states:

> The Examiner consider (sic) XML doc. Fig. 1b, item 106, 126, XML document. Col. 9, lines 38-44 and XML format. **Col. 4, lines 17-21, clearly shows the user interface of Walsh is XML**. (Emphasis added)

Though Applicants do not deny that Fig. 1b, items 106 and 126 are XML documents, it is clear from Fig. 1b that these documents are generated in XML by front-end processor 120 rather than user 103 and web browser 124 which communicate only in HTML 121 and HTTP 122.

Thus the emphasized portion of this statement is clearly erroneous and is inconsistent with the explicit teaching of Walsh.

Column 3, lines 13-15, states:

> A front-end interface converts the output XML documents to output HTML forms and the input HTML forms to the XML documents.

Apparently, the Examiner agrees with Applicants, because he now makes the incongruous finding that front-end interface 120 is somehow deemed the claimed "user terminal".

That front-end interface 120 is not the claimed "user terminal" should be readily apparent to anyone of skill in the art. Column 7, lines 12-21, states:

> Being Web based, the user 103 can use any standard browser 124 to interact with the system from anywhere there is an Internet access point.

In other words, user 103 communicates via web browser 124 over the Internet to front-end interface 120. It is simply incomprehensible that anyone would seriously consider that front-end processor 120 is the claimed "user terminal".

As further evidence that the Examiner may wish to read column 7, lines 18-24, which states:

> The HTTP is used as the communication mechanism between agents and users. The user 103 browses and modifies information, and initiates processes via the web browser 124. User requests are routed to agents 101 via Http and through the Java servlet. The servlet 123 in turn communicates with a front-end service bridge 125 that serves as an interface for the agents 101.

In addition, column 7, lines 35-47, states:

> We accomplish the display of information to users with HTML, web pages, and web forms. As stated above, the information that agents retrieve from data sources is in the form of the XML documents 102. To format the XML documents into a form suitable for users, the front-end servlet 123 converts the XML document into a HTML page using a style sheet 126, e.g.., XSL, JSP or some other data replacement technique as described below. The result of this conversion is the HTML page containing the information in a usre-friendly format. By applying the style sheet, the servlet recognizes and replaces certain

data from the XML document and converts the data to HTML form.

As a result, the evidence is overwhelming that to the extent Walsh has a "user terminal" as claimed, it consists of user 103 and web browser 124, but does not include front-end interface 120 to which it is coupled via the Internet.

These primary distinctions become most apparent as one considers the differences between the claimed invention and Walsh.

Claim 1, for example, is limited by:

> **a document** containing a plurality of elements formatted **in XML** (extensible markup language) **generated by said user terminal transferred via said publicly accessible digital data communication network** to said data base management system (emphasis added)

Clearly this element is not found in Walsh. It is the essence of the disclosure of Walsh that user 103, operating through web browser 124 does not generate a document in XML as required by the claim.

In making his rejection, the Examiner alleges that the claimed "document" is Fig. 1b, element 126 which is clearly generated by front-end interface 120 and not by user 103, operating through web browser 124. Even if front-end interface 120 were the claimed "user terminal" as now suggested by the Examiner, it (i.e., front-end interface 124) is not coupled to the claimed "data base management system" via the claimed "publicly accessible digital data communication network".

Thus, Walsh cannot meet this limitation "as contained in the claim" as required by MPEP 2131. The rejection of claim 1, and all

claims depending therefrom, is respectfully traversed.

Respectfully submitted,

Thomas N. Turba

By his attorney

Date June 30, 2006

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